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1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,)
4 Plaintiff,) Case No. 2:20-mj-00221-DJA-1
5 vs.) Las Vegas, Nevada
6 LOUIS DAMATO,) April 23, 2020
7) Courtroom 6B
8 Defendant.) Recording method:
9) Liberty/CRD
3:51 p.m. - 5:05 p.m.
REVOCAION OF PRETRIAL RELEASE,
AFTERNOON SESSION

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11 TRANSCRIPT OF PROCEEDINGS
12 BEFORE THE HONORABLE BRENDA N. WEKSLER
13 UNITED STATES DISTRICT COURT MAGISTRATE JUDGE

14 APPEARANCES:

15 For the Government (Via Videoconference):

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19 (Appearances continued on page 2.)

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24 Proceedings recorded by electronic sound recording.
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1 APPEARANCES CONTINUED:

2 For the Defendant (Via Videoconference):

3 **REBECCA A. LEVY, AFPD**
4 *FEDERAL PUBLIC DEFENDER'S OFFICE*
5 *411 East Bonneville Avenue, Suite 250*
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6 Also Present (Via Videoconference):

7 *Mariah Bassler-Wide, Pretrial Services*
8 *Alicia Coughlin, Pretrial Services*
9 *Sandra Bustos, Pretrial Services*
10 *Chief Security Officer Brandon Delaney*
11 *Clinical Supervisor Rebecca Smith*
12 *Medical Services Administrator Bonnie Holly*

13
14 Also present (In Person):

15 *Steven Carpenter, U.S. Marshal*

16 * * * * *

17 ***I N D E X***

18 Witness: Page

19 **BRANDON DELANEY**

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1 LAS VEGAS, NEVADA; THURSDAY, APRIL 23, 2020; 3:51 P.M.

2 --oOo--

3 P R O C E E D I N G S

4 **COURTROOM ADMINISTRATOR:** Good afternoon, Your Honor.
5 We are back on record, and we are now recalling United States
6 of America versus Louis Damato. The case number is
7 2:20-mj-0221-DJA.

8 Beginning with Government counsel, Counsel, please
9 state your names for the record.

10 **MR. DICKINSON:** Good afternoon, Your Honor. Nicholas
11 Dickinson for the United States.

12 **THE COURT:** Good afternoon.

13 **MS. LEVY:** Rebecca Levy for Mr. Damato.

14 **THE COURT:** Good --

15 **MS. LEVY:** He's present via videoconference, and he's
16 is in custody, Your Honor.

17 **THE COURT:** All right. Good afternoon. And good
18 afternoon, Mr. Damato. I know we went over this this morning,
19 but once again, you are entitled to have this hearing in
20 person. But due to the pandemic that's in place, we're
21 conducting these by way of videoconference. But I do need
22 your consent in order to proceed. Do you consent to
23 proceeding in this manner?

24 **THE DEFENDANT:** I do, Your Honor.

25 **THE COURT:** And Ms. Levy, is this after having

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1 consulted this with you?

2 **MS. LEVY:** Yes, Your Honor.

3 **THE COURT:** Thank you.

4 All right. So last time we left off, we had had
5 Mr. Carpenter from the Marshal's Office provide some
6 information that the Court requested and that Ms. Levy was
7 requesting as well. I can't quite recall if we ever got to
8 Mr. Dickinson or not. I don't think we did.

9 So I have requested that somebody be available from
10 the facility at Pahrump to address concern questions, and I
11 understand that Chief -- Chief Brandon Delaney is on the line;
12 is that correct?

13 **MR. DELANEY:** Yes, that is correct.

14 **THE COURT:** Good morning, sir.

15 And I also understand that there's a clinical
16 supervisor by the name of Rebecca Smith that's on the line; is
17 that correct?

18 **MS. SMITH:** Yes, that's correct.

19 **THE COURT:** All right. So that the record's clear,
20 Mr. Carpenter is here today. He's here in court, and we also
21 have Ms. Coughlin and Ms. Bustos from Pretrial Services.

22 Is there anybody else on the line that I did not
23 catch? All right.

24 Okay. So with that, I'll turn things over to you,
25 Ms. Levy.

Examination of Brandon Delaney

1 **MS. LEVY:** Your Honor, do you want me to start with
2 the questioning?

3 **THE COURT:** So I think that's probably going to be
4 best, if you could start with the questioning, and then we'll
5 allow Mr. Dickinson to go on.

6 **MS. LEVY:** Thank you. And this is for -- just for
7 Officer Delaney; right?

8 **THE COURT:** Correct. I have questions for Ms. Smith.
9 You're welcome to ask Ms. Smith questions as well, but
10 predominantly I would imagine you're interested in
11 Mr. Delaney's testimony.

12 **EXAMINATION**

13 **BY MS. LEVY:**

14 Q. Mr. Delaney, I'm sorry, I don't know much about your
15 position. Can you just give me a very brief, you know,
16 sentence explanation of what your position there is?

17 **A.** Yes. I'm currently the chief of security at Nevada
18 Southern Detention Center.

19 Q. And you -- there's another gal there with you, Rebecca.
20 Can you give me a brief description of what her job is, if you
21 know it?

22 **A.** She's present right now in the room with us, and she's
23 our clinical supervisor.

24 Q. Thank you.

25 And as chief of security, you're in charge of

Examination of Brandon Delaney

1 handling the measures taken during coronavirus?

2 **A.** That is one of my jobs, yes.

3 Q. All right. Well, let's -- let's dive right in. First,
4 there is a -- a separate unit for individuals who are at
5 higher risk; is that accurate?

6 **A.** That is correct.

7 Q. That unit is optional for the inmate?

8 **A.** Yes. We are currently going off of the CDC's standards.
9 If the detainees meet the criteria, our medical department
10 will let us know. The detainee then has the opportunity to go
11 into that unit unless they sign a waiver not to.

12 Q. That unit consists of how many individuals?

13 **A.** We currently have, now after [indiscernible] Mr. Damato
14 in there, we will have 31 detainees.

15 Q. Are the detainees given individual cells, or do they have
16 a -- a bunkmate?

17 **A.** We currently -- three-fourths of the pod have single
18 cells. The detainees that are in there with bunkies have been
19 placed in there at their own request.

20 Q. And how long are they in the cell, and how long are they
21 allowed out of their cell?

22 **A.** We currently have what we call a tier program going on
23 with that particular pod. The -- we have another unit that we
24 have as a COVID which we've had to put a tier time on there
25 because there's two separate groups in there; a general

Examination of Brandon Delaney

1 population group, and then we have another group of detainees
2 that are not -- cannot mix with general population. So we're
3 running two different groups, which means when one group is
4 out in the dayroom, the other ones are celled up. And they
5 are -- they alternate -- they average about six and a half
6 hours a day outside of their cell.

7 Q. Now, outside of their cell, what regulations are in place
8 ensuring social distancing?

9 A. We currently have one counselor that works in that pod.
10 He is not allowed to go into any other pod inside the
11 facility. We also have designated staff that can go in there.
12 Myself, including the warden, the assistant warden, the
13 contract monitor, and all other staff that are not on their
14 list do not walk into that pod. We keep the traffic in there.
15 Medical goes down to the unit. We do not pull the detainees
16 out of that pod or cross-mix with any other part of the
17 population. Every hour we are using what we call an HTQ PROXI
18 40 that we spray down the door and common areas and are wiped
19 off.

20 We've issued every detainee and every staff a
21 protective mask at their option to wear, and they are --

22 *(Simultaneous crosstalk.)*

23 **BY MS. LEVY:**

24 Q. [Indiscernible].

25 A. What was that, ma'am?

Examination of Brandon Delaney

1 Q. And I'm sorry, it's hard on this video, so I apologize if
2 I interrupt -- interrupt you. So that's not my intent.

3 Are the detainees given gloves?

4 **A.** No, we do not -- if they are cleaning, then, yes, they
5 are -- they are issued gloves, but they are not given gloves
6 on a regular basis. They are issued soap and shampoo that
7 they can change or replace. All they have to do is ask, and
8 we have ample amount of soap [indiscernible] for all detainees
9 in the institution.

10 Q. Let's say the --

11 *(Simultaneous crosstalk.)*

12 **MR. DELANEY:** [Indiscernible].

13 **BY MS. LEVY:**

14 Q. -- detainee --

15 I'm so sorry. Go ahead.

16 **A.** I was also letting you know we have signs that are all
17 over the units that go through and allow and demonstrate
18 social distancing, how -- how long they have to wash their
19 hands for, and -- and we do town halls twice a week to get out
20 information on any [indiscernible].

21 Q. Who's giving out the information in the town hall? Is
22 that in person?

23 **A.** In the regular units, they will be in person for the unit
24 staff. In the high-risk pod, it will be written down, and
25 then it will be handed out to the detainees.

Examination of Brandon Delaney

1 Q. And the person handing out this material, are they
2 wearing gloves?

3 A. When we -- when we put it out as in they're being handed
4 out materials, it will be given, and the detainees will come
5 up and they will read it or slide it through the door. When
6 they're actually issuing out a piece of paper, no, nine times
7 out of ten the officer will not be wearing gloves.

8 Q. Do the officers wear masks?

9 A. The officers do have masks, yes. It is not mandated at
10 this point for all staff or officers to wear masks in the
11 pods. It is at their discretion.

12 Q. So I'm going to give you an example. Let's say
13 Mr. Damato is in that high-risk unit, and I need to have a --
14 an attorney visit with him. He would then leave that unit;
15 correct?

16 A. No. We have visit -- video visiting that he's capable to
17 go through unless it is a contact visit with the attorney.

18 Q. Okay. So there is a unit inside of the high-risk unit
19 that would allow for attorney conferencing?

20 A. It is -- it's our video visit. So the -- typically the
21 attorneys that show up for -- for visitation with the
22 detainees would go through a monitor that is located here.
23 They do not have the capabilities on the pod to do like we're
24 doing right now with a court videoconference.

25 Q. Okay. So -- so follow me with -- with this hypothetical.

Examination of Brandon Delaney

1 Mr. Damato is in a high-risk unit. I know it's a
2 hypothetical. We have a court appearance for Mr. Damato.
3 Walk me through what happens for Mr. Damato's court
4 appearance, sir.

5 **A.** So in -- in the particular case where he came down from G
6 4, he will be pat searched coming out of the unit. The
7 officer will be wearing gloves. Any time there's any type of
8 contact, gloves are -- are mandated.

9 He will walk down to the attorney visits. The
10 attorney -- he will go in and meet with the attorney visit
11 officer, he will be placed in a room, and then he'll be
12 waiting for his hearing at which time he will be placed into
13 the room that he's currently located at right now.

14 **THE COURT:** Okay. Let me interrupt --

15 **MR. DELANEY:** In that --

16 *(Simultaneous crosstalk.)*

17 **THE COURT:** Let me interrupt. Sir?

18 **MR. DELANEY:** -- [indiscernible] G 4 --

19 **THE COURT:** Hello? Hello?

20 **MR. DELANEY:** -- which is a -- hello?

21 **THE COURT:** Let me interrupt you. I -- I missed some
22 of it. So you said someone is in the G 4 unit. That's --
23 that's the hypothetical that you're following?

24 **MR. DELANEY:** No, that is real time. That's where
25 he's at, which is a controlled movement pod.

Examination of Brandon Delaney

1 **THE COURT:** Okay.

2 **MR. DELANEY:** If he was coming -- hypothetically
3 coming from BB, it would be the same process where the officer
4 in there would pat him down, and then he would be taken -- we
5 would do what we call a cease movement, which means we would
6 clear the hallways. There would be no detainee contact with
7 him, and he would be taken right into the room that he's
8 currently in [indiscernible].

9 **THE COURT:** I didn't mean to interrupt. I just was
10 trying to make sure that I understood.

11 **BY MS. LEVY:**

12 Q. In the room that Mr. Damato's in, was it cleaned before
13 Mr. Damato walked in there?

14 A. Yes. We did -- we did go through and I reviewed video
15 where there was a few times and the issue was addressed where
16 the officer did not clean after each use. But that has been
17 addressed with the staff member.

18 Q. Because right -- right before I saw Mr. Damato go in this
19 room, I saw an individual [indiscernible] into the room. Was
20 that -- did you see that female in there? Was that Rebecca,
21 or was that someone else?

22 A. I will pull it up here in a second.

23 Q. She was in scrubs, so it -- it might have been Rebecca.

24 A. Give me one second and I'll pull it up. Yes, there was a
25 female detainee that was coming out of the room.

Examination of Brandon Delaney

1 Q. I did not see anybody go in and clean, but certainly I
2 might have missed that. Did -- did I miss that, sir?

3 A. I am reviewing it. No, ma'am. As soon as the detainee
4 left, they did bring another detainee right in there. It was
5 not sanitized.

6 Q. And it did not look like the officer was wearing gloves
7 or a mask. Am I correct in seeing that? It's kind of hard on
8 the video.

9 A. The officer is not wearing gloves or a mask.

10 Q. It doesn't [indiscernible] I'm sorry. I'm so sorry, sir.
11 It's so hard to -- on video. So, again, I apologize.

12 I also do not notice that Mr. Damato has gloves on
13 and is -- you know, he's in the room in close proximity to
14 things that --

15 A. [Indiscernible].

16 Q. -- he could [indiscernible].

17 A. Well, so going back through there, the officer that is in
18 attorney visits is not wearing gloves, he's not wearing masks.
19 He also did not make contact with the detainee. The detainee
20 is wearing a face mask, but we are not issuing out gloves to
21 the detainees.

22 **THE COURT:** Okay. I gotta tell you, Ms. Levy, I'm --
23 I'm really not tracking this. I'm going to ask you to please
24 make sure that you get testimony as to each specific thing in
25 each category because we're going from one thing to the next.

Examination of Brandon Delaney

1 And I just want to make sure that I understand exactly what's
2 going on. So --

3 **MS. LEVY:** Yes, Your Honor.

4 **THE COURT:** Okay.

5 **BY MS. LEVY:**

6 Q. So I -- I assume that Mr. Damato would be patted down
7 prior to being placed into an attorney visitation room or a
8 court visitation room. Is that accurate?

9 **A.** Yes, he is patted down when he leaves his unit.

10 Q. And does that person wear gloves?

11 **A.** Yes.

12 Q. And is that the person that's assigned just to that unit?

13 **A.** Yes.

14 Q. And then when he leaves -- for instance, Mr. Damato is in
15 a courtroom visitation room right now. Would he -- would --
16 if he was in the high-risk detention area, would he wait to be
17 patted down until he got back?

18 **A.** Yes.

19 Q. So --

20 *(Simultaneous crosstalk.)*

21 **MR. DELANEY:** [Indiscernible] patted down right
22 before he goes into the room. If it was a contact visit, then
23 that's a different -- but being there's no contact with the
24 outside, he would be pat searched [indiscernible] the pod.

25 ///

Examination of Brandon Delaney

1 **BY MS. LEVY:**

2 Q. Was Mr. Damato patted down before he was placed in this
3 room today?

4 **A.** I will review it. It takes a second to pull it up.

5 All right. Give me one second here. Just trying to
6 find -- without knowing the exact time he left the pod, I have
7 to search for it.

8 *[Indiscernible background noise]*

9 **MR. DELANEY:** Just give me a few more minutes, and
10 I'll locate him.

11 All right. Yes, he was patted down. The officer was
12 wearing gloves.

13 **BY MS. LEVY:**

14 Q. And a mask?

15 **A.** No. Officers -- that is on their discretion at this
16 time. Now, we did --

17 Q. *[Indiscernible]* --

18 *(Simultaneous crosstalk.)*

19 **MR. DELANEY:** -- the staff member comes in to the
20 institution, we have a series of questions that they have to
21 ask. There is a temperature reading that, if they're above
22 100.4 degrees, they are not allowed inside the institution.

23 **BY MS. LEVY:**

24 Q. How often are the inmates -- how often do they have their
25 temperature taken?

Examination of Brandon Delaney

1 **A.** They -- in the -- in the general -- in the general
2 populated unit that's gonna be when they have doctor visits or
3 when they're seeing medical. In our [indiscernible] units we
4 are going in there and doing it twice a day.

5 **Q.** Are other inmates from other facilities coming into your
6 facility?

7 **A.** We still -- we still have transports, but we are
8 currently -- the detainees that are coming in, they are being
9 placed on a lockdown period where they are isolated for up to
10 14 days.

11 **Q.** Where are they housed in isolation? Where's that?

12 **A.** We currently have two areas that are set up for it -- a
13 unit called BA, and a unit called CA -- where they are in
14 lockdown and they come out only to shower. They have their
15 temperatures checked twice a day. Once they hit the 14 days,
16 show no signs, then they're released to general population.

17 **Q.** Inmates you said are given masks?

18 **A.** Yes.

19 **Q.** They're cloth masks?

20 **A.** They're cotton masks.

21 **Q.** Is there any mechanism to clean them?

22 **A.** We do have -- we do have some -- it's like a flat iron
23 that has been ordered. We are waiting for them to come in.
24 They get about 400 degrees, and that's how we'll be sanitizing
25 them. We're also in the process of getting additional masks

Examination of Brandon Delaney

1 in where -- wherever a detainee will [indiscernible] but they
2 only have one mask at this time.

3 Q. So currently detainees have one mask and at this time no
4 mechanism to clean them?

5 A. Correct, unless they send it through the laundry.

6 MS. LEVY: Thank you, Your Honor. I don't have any
7 other questions.

8 THE COURT: Mr. Dickinson, do you have any questions?

9 MR. DICKINSON: Just one.

10 EXAMINATION

11 BY MR. DICKINSON:

12 Q. Just to understand, if -- in the high-risk unit, as we
13 sit here today, specifically Mr. Damato, if he opted into the
14 high-risk unit, would he be able to have a single cell?

15 A. He has opted into the high-risk unit. They rolled up
16 his -- his property was placed down there. He is placed in a
17 cell where he does not have a cellie. He is in a single cell.

18 Q. Thank you.

19 MR. DICKINSON: That was my only question,
20 Your Honor.

21 THE COURT: Thank you. I do have some follow-up
22 questions, sir.

23 EXAMINATION

24 BY THE COURT:

25 Q. When did he opt into this single-cell situation?

Examination of Brandon Delaney

1 **A.** [Indiscernible] around 1500 hours [indiscernible].

2 **Q.** Okay. There was --

3 **A.** Now, he -- when he did come into Nevada Southern
4 Detention Center, he was screened by medical, and we offered
5 to place him in the high-risk pod at which time he
6 [indiscernible].

7 **Q.** And I'm sorry, at that time what?

8 **A.** He refused to go in there.

9 **Q.** Based on what?

10 **A.** It was off of his decision. I was not present for the
11 interview, but my understanding it had to deal with he did not
12 want to be in a room.

13 I do have Ms. Smith that was present, and she could
14 go into a little bit more detail on that.

15 **Q.** Okay. We'll -- we'll reserve that portion of the
16 questions for Ms. Smith then.

17 So my understanding from having heard Mr. Carpenter
18 earlier is that he's currently in the G 4 unit; is that right?

19 **A.** Yes. He was moved down to BB [indiscernible].

20 **Q.** All right. And in the G 4 unit --

21 **A.** -- the high-risk pod.

22 **Q.** I'm sorry. Go ahead.

23 **A.** Which is the high-risk pod.

24 **Q.** All right. So in the G 4 unit I would imagine that the
25 same policy applies in terms of the optional wearing of masks?

Examination of Brandon Delaney

1 **A.** Correct.

2 **Q.** And could you describe for me what the sanitation process
3 is like in the G 4 dorm?

4 **A.** It is going to be very similar to BB we do every hour.
5 We use the PROXI 40 HTQ. We wipe down the tables, the common
6 areas. We have soap readily available for all detainees.
7 They have to come up to the officer and ask, and they would
8 give them out soap. They are also -- like I said, every
9 detainee in the institution was issued a cotton mask. Any
10 detainee coming in or out of the pod, the officers pat search
11 them in and out. We have signs for social distancing
12 [indiscernible]. We do the town hall to make sure that staff
13 understand any updates that are happening and -- and will be
14 required for social distancing, which is
15 obviously [indiscernible] G 4 currently has [indiscernible] 59
16 detainees. I want to say 59 detainees currently in G 4, and
17 it holds a total of 94. So it is not at full capacity.

18 **Q.** All right.

19 **THE DEFENDANT:** Your Honor, can I speak with my
20 attorney, please?

21 **THE COURT:** You can. Let's go ahead and mute
22 Ms. Levy and Mr. Damato. All right. So --

23 **COURTROOM ADMINISTRATOR:** Your Honor, both parties
24 are muted.

25 **THE COURT:** Let's go ahead and test it. Ms. Levy,

Examination of Brandon Delaney

1 could you say something? Could you say something, Mr. Damato?

2 All right. Both of you are muted.

3 *(Pause in proceedings.)*

4 **COURTROOM ADMINISTRATOR:** Your Honor, we are ready to
5 proceed.

6 **THE COURT:** All right. Ms. Levy, do you have
7 anything for the Court?

8 **MS. LEVY:** I have some follow-up questions when the
9 Court is ready for them for Officer Delaney.

10 **THE COURT:** All right. I do not have any further
11 questions, but go ahead, Ms. Levy.

12 **MS. LEVY:** Thank you, Your Honor. Appreciate it.

13 **RE-EXAMINATION**

14 **BY MS. LEVY:**

15 Q. Officer Delaney, I want to talk to you a little bit about
16 the quarantine process when people come in from -- transfer
17 from another facility.

18 **A.** Okay.

19 Q. Were there new individuals that went to the G 4 unit
20 today?

21 **A.** [Indiscernible] off of a trip -- trip today. No, those
22 would have been individuals that were placed in T 8 that their
23 time has elapsed or [indiscernible] for the incoming trip
24 coming in.

25 **THE COURT:** Okay. Let me interrupt one second. I

Examination of Brandon Delaney

1 originally thought we were talking about the G 4 unit. Then I
2 heard you talk about the C 4 unit, and now I'm hearing D 4
3 unit. Are the -- are we all referring to the same unit?

4 **MR. DELANEY:** I apologize. Like I mentioned earlier,
5 trips of detainees coming in, we started a process back where
6 all detainees being isolated [indiscernible] that they're not
7 showing any signs of COVID-19. We did release detainees out
8 of that area today that have been placed in that unit that
9 are -- that are not symptomatic. So we've monitored and
10 reviewed them. So there was movement today into the unit, but
11 it was not any detainees that came in off the transport today.

12 **THE COURT:** All right. Go ahead, Ms. Levy.

13 **MS. LEVY:** Thank you.

14 **BY MS. LEVY:**

15 Q. When you're in the high-risk unit, you indicated that you
16 get your temperature taken periodically; is that correct?

17 **A.** No. Just -- just the [indiscernible] visits. Not in
18 the -- not in the high risk. The COVID units, they do.

19 Q. And my apologies. I should have been more specific.

20 So we're talking about the -- if you're in the high
21 risk -- and that's BB; correct?

22 **A.** Yes, BB is a high risk, and they do not have their
23 temperatures checked daily. They will have their temperatures
24 checked when they see the doctor or the nurse.

25 Q. And how often are they seeing the doctor -- oh, I'm so

Examination of Brandon Delaney

1 sorry. How often are they seeing the doctor or the nurse?

2 **A.** That would be different for each detainee depending on
3 what their -- their medical needs are. We do have medical
4 staff that go in there daily that can answer any questions,
5 concerns, or issues.

6 **Q.** So if Mr. Damato is placed in the BB high-risk unit, he
7 is dependent upon other inmates self-reporting any
8 temperatures or -- or feelings of being sick; correct?

9 **A.** We have a -- we have nurses that go in there twice a day
10 that do their -- their checks and calls. The detainee does
11 have access to what we call a sick call to report it, or if
12 any notation is made via a phone, a concern form, verbal to
13 the officer or a medical staff, then it would be reported to
14 medical, and we would then have medical go address the
15 detainee immediately.

16 **Q.** Okay. So just hypothetically, if there's someone in the
17 unit with Mr. Damato who is not feeling good or is running a
18 fever but either doesn't mention it intentionally or -- or
19 unintentionally, there would be no way to monitor that this
20 individual's showing symptoms?

21 **A.** As soon as we are notified of any type of symptoms, the
22 detainee then would be checked and isolated. If they -- if
23 they were out on the same quadrant and they shows signs of
24 COVID, then we would isolate that group so it would not be
25 spreading.

Examination of Brandon Delaney

1 Q. Okay. And that's done based on -- on self-reporting in
2 part; right?

3 A. Yes. And -- and visual from both the nurse and the
4 officer. If -- obviously if our nurse is in there and a
5 detainee is showing signs of sickness, then they would address
6 that concern with the detainee.

7 Q. Okay. And the nurse goes around and meets with all the
8 individuals, or am I confused?

9 A. They have face-to-face. They'll go in there, they'll do
10 a --

11 *(Simultaneous crosstalk.)*

12 **BY MS. LEVY:**

13 Q. And --

14 A. -- half the -- half the pod or if it's on lockdown,
15 they'll go cell to cell.

16 Q. How often is that happening?

17 A. Twice a day.

18 Q. Okay. And that's in this BB unit?

19 A. That's in -- that would be in all units, but yes.
20 Nurses --

21 Q. Okay.

22 *(Simultaneous crosstalk.)*

23 **MR. DELANEY:** -- in our medical facility twice a day
24 to ensure at a minimum.

25 ///

Examination of Brandon Delaney

1 **BY MS. LEVY:**

2 Q. And take -- but just not take temperatures but they're
3 going in and meeting with every single detainee?

4 **A.** Correct. They're not -- we're not going in and -- and
5 having every detainee's temperatures checked. The only unit
6 that is is the ones that we have on co-- COVID, which have
7 come through a facility where a detainee may or may not have
8 been infected, and they are not -- and they are not -- we have
9 a 14-day [indiscernible] so they will get checked to ensure
10 that there's no signs. Once they've cleared that 14 days --
11 *(Simultaneous crosstalk.)*

12 **BY MS. LEVY:**

13 Q. Well, how do you --

14 **A.** Once they clear that 14-day period or have been deemed
15 not showing signs, then we release them out to general
16 population.

17 Q. How many times has Mr. Damato interacted with the nurse
18 since his incarceration?

19 **A.** I will get with Nurse Smith and have her pull that up.
20 Due to my position, I don't have access to that type of health
21 questionnaire.

22 Q. Okay. But you're indicating it would be approximately
23 twice a day?

24 **A.** We have nurses that come down to the unit twice a day.

25 Q. Okay. And I'm so sorry. Maybe I'm miss--

Examination of Brandon Delaney

1 misunderstanding. The nurses that come down to the unit twice
2 a day, they interact with every single detainee; is that what
3 you're testifying to?

4 **A.** In general population, they will come in to -- they'll
5 come into the unit. It's usually during a field call, and
6 they will be up there, [indiscernible] will be announced. If
7 detainees have questions, they can come up to the nurse at
8 that time. The nurse is not going around to make contact with
9 every detainee in the institution.

10 Q. Okay. That's -- that's what I -- that was my
11 understanding. I just wanted to clarify that.

12 So, again, in part we're relying on other individuals
13 self-reporting signs of COVID; right?

14 **A.** Can you repeat? I wasn't quite sure -- the process is if
15 a detainee shows any signs, we report it immediately to
16 medical. As a security staff, we -- we do not [indiscernible]
17 determine whether it is a COVID sign or not. So if an inmate
18 comes up and says he's not feeling well, that he has an upset
19 stomach or he has this, security staff [indiscernible] that's
20 not COVID, that's not. We would defer to the medical
21 professionals. They will come back down and interview.

22 So if a detainee says he's not feeling well, security
23 will report it to medical. Medical will then come down or
24 send the inmate down to medical depending on the area and the
25 movement that's happening.

Examination of Brandon Delaney

1 Q. Gotcha.

2 A. [Indiscernible].

3 Q. And if the detainee doesn't -- and if the detainee
4 doesn't self-report that, he may not interact with a -- a
5 nurse, and he's not gonna have his temperature taken if he's
6 in the BB unit or in general population?

7 A. Theoretically. It has the potential. Typically -- and
8 I've been doing this for quite some time. If there's anybody
9 that's showing any signs, there'll be numerous other detainees
10 that will be saying, Hey, this -- this guy's not feeling well,
11 he hasn't been up. Officers are making rounds. When an
12 officer goes in there and does -- we do -- we do twice an hour
13 minimum visual on every detainee. So if a detainee is laying
14 in his bed all day long, it kind of falls under the unit
15 management concept. We check up on them. So the officers are
16 gonna be also checking up on [indiscernible] sitting in their
17 cell all day long and not coming out, not showing any signs.
18 We have counts where we have to have visual movement and check
19 on them. At any point, if an officer makes a visual
20 determination or they come back and say, Hey, [indiscernible]
21 hasn't been out of his cell, so he's not feeling well or he
22 doesn't look well, medical will come down and check it as
23 well.

24 So it's not just the fact that a detainee has to self
25 admit it, but if there's any visual signs, the security staff

Examination of Brandon Delaney

1 has been trained and work on -- on communicating that.

2 **THE DEFENDANT:** Can I speak with my --

3 **BY MS. LEVY:**

4 Q. How many individuals in the --

5 **THE DEFENDANT:** -- attorney, please?

6 **THE COURT:** Hold on a second.

7 Mr. Damato, you need to speak to your attorney?

8 **THE DEFENDANT:** Yes.

9 **THE COURT:** All right.

10 **THE DEFENDANT:** Is this under -- is he under oath as
11 well?

12 **THE COURT:** Let's go ahead and mute both Ms. Levy and
13 Mr. Damato.

14 **THE DEFENDANT:** Oh.

15 **COURTROOM ADMINISTRATOR:** Your Honor, the parties are
16 muted.

17 **THE COURT:** Let's test it. Ms. Levy? Could you say
18 something, Mr. Damato?

19 Okay. You're muted.

20 *(Pause in proceedings.)*

21 **THE COURT:** All right. Mr. Damato, can you hear us
22 okay?

23 **THE DEFENDANT:** Yeah.

24 **THE COURT:** All right. Ms. Levy, go ahead.

25 ///

Examination of Brandon Delaney

1 **BY MS. LEVY:**

2 Q. Officer Delaney, I'm gonna switch gears just a tiny bit
3 because I just spoke with my client, and I have a couple
4 follow-up questions. So my apologies for switching gears.

5 **MS. LEVY:** And my apologies to the Court for
6 switching gears.

7 **BY MS. LEVY:**

8 Q. But Mr. Damato was brought into your facility from
9 Henderson jail; right?

10 **A.** I would have -- I would have to check the transport
11 orders. I do know that he came in on or around the 27th of
12 March. He came in... actually, it looks like the 31st of
13 March that he came in, and I did check with our medical
14 department. He has been seen by medical 33 times.

15 Q. Can I ask, when he came from Henderson, was he
16 quarantined prior to being put into G 4?

17 **A.** He was -- he was housed in medical. When he first came
18 in, he was housed in medical, and --

19 *[Indiscernible background noise]*

20 **MR. DELANEY:** Until April 5th.

21 **BY MS. LEVY:**

22 Q. Approximately five days of -- six days perhaps?

23 **A.** Yes. He came in -- it looks like I have him on intake at
24 1752 hours, and he left to go down to G 4 on the 5th at 1008
25 hours, roughly, in the system.

Examination of Brandon Delaney

1 Q. Is that --

2 *(Simultaneous crosstalk.)*

3 **MR. DELANEY:** [Indiscernible].

4 **BY MS. LEVY:**

5 Q. -- within the 14-day -- oh, I'm so sorry. Is that within
6 the 14-day guideline as per the CDC?

7 **A.** Ma'am, when it's -- when he initially came into the
8 institution, we had not -- we did not implement the 14-day
9 process. Like I had said, that was within the last week and a
10 half, two weeks that we -- we implemented that.

11 Q. [Indiscernible] okay.

12 **A.** Anybody -- now realize when a detainee is transported
13 they are -- their temperatures are checked at the facility
14 they're leaving. They are checked when they come into the
15 institution. The nurse goes out and checks them. If at any
16 point anyone shows signs, then we would quarantine that trip.

17 Q. Did Mr. Damato ask to speak with a doctor this morning?

18 **A.** I would have -- I would have to check with -- with
19 medical. Talking with the doctor or -- or -- or checking with
20 the nurse. I -- like I said, I do have our clinical
21 supervisor, Ms. Smith, who he talked to her today, and he
22 never mentioned anything to her about talking to a doctor.

23 Q. There was 33 times that were visits with you said a
24 doctor or -- just a nurse or a doctor?

25 **A.** It would be a nurse or a doctor.

Examination of Brandon Delaney

1 Q. That includes pill call, I assume; right?

2 A. Yes.

3 Q. Okay. And how -- is that once a day or twice a day?

4 A. We do pill call twice a day, but for -- from what I'm
5 being told by the medical staff here, he receives pill call
6 once a day. But the nurse goes in twice a day, morning and
7 night.

8 Q. Mr. Damato is in the room right now for the court
9 appearance. Prior to this room, he was placed in the -- the
10 room that houses ICE court; is that correct?

11 A. I was not present. I do not know. I'd have to go back
12 and review the... I would have to review to see where he was
13 placed, ma'am.

14 Q. And do you know when that ICE room was cleaned last?

15 A. Once again, without reviewing, I was not present in
16 there. I -- I would have to go back and review the cameras.

17 Q. I understand.

18 When was the last time the phone that Mr. Damato is
19 using to speak with me was cleaned?

20 A. The phone that he's using? Which phone?

21 Q. In the room that he's in right now, sir.

22 A. I can tell you when I went back in there, I did realize
23 that the officer did not wipe it down. I have not review the
24 cameras for the day to see when the last time it was
25 inspected. I do know that I put out a notice [indiscernible]

Examination of Brandon Delaney

1 with the first shift attorney visits, and we've explained to
2 them that after every use it needs to. This was the second
3 shift oncoming. There was a directive that was put out.
4 Without reviewing it, I cannot tell you the time frame.

5 Q. Oh, and how many people are in the BB unit currently?

6 A. We have 30.

7 Q. And there's one officer per shift that handles those 30;
8 correct?

9 A. Per shift. Same officer per shift. And once that
10 officer -- we have what we call the [indiscernible]
11 management. So each officer's assigned to the pod so they
12 can -- so they have an understanding of the -- of the
13 detainees that are on the unit so they're more familiar so
14 they can pick any details if somebody is off or not doing
15 well.

16 We have these same officers scheduled for those pods
17 every day, and once they are scheduled in the high-risk pod,
18 they are not allowed to go to any other pod or cross
19 contaminate to include our rec officer who does not stay on
20 the rec pod with them. They stand outside for a constant
21 visual. They don't even have contact with the detainees in
22 the high risk.

23 Q. Lastly, does Mr. Damato have regular contact with an
24 infectious disease doctor while he's in Pahrump?

25 A. Ma'am, I'd have to refer that to medical. I don't have

Examination of Rebecca Smith

1 access to that.

2 **MS. LEVY:** Thank you.

3 **THE COURT:** Mr. Dickinson, do you have any other
4 questions?

5 **MR. DICKINSON:** No, Your Honor.

6 **THE COURT:** All right. Thank you, Mr. Delaney. If
7 we could have Ms. Smith on the line?

8 **MR. DELANEY:** Is that it?

9 **THE COURT:** Can you hear us, Ms. Smith?

10 **MS. SMITH:** Yes, I can.

11 **THE COURT:** All right. Ms. Levy, go ahead.

12 **EXAMINATION**

13 **BY MS. LEVY:**

14 Q. Ms. Smith, do you oversee the -- the nurses and doctors
15 there in Pahrump?

16 A. I -- I am over the nurses. The -- the health service
17 administrator is over the physicians.

18 Q. Is there a medical director?

19 A. One of the providers is considered our medical director,
20 yes.

21 Q. Who's that?

22 A. Dr. Rivas.

23 Q. Rivas?

24 A. Yes. R-i-v-a-s.

25 Q. What's his first name?

Examination of Rebecca Smith

1 **A.** David.

2 **Q.** Thank you for that.

3 So you oversee the nurses?

4 **A.** I do.

5 **Q.** Okay. And I think it was testimony from Officer Delaney
6 who indicated that the nurses do not do temperature checks of
7 individuals in the BB unit; correct?

8 **A.** Correct, not on a -- not on a daily basis.

9 **Q.** If somebody is showing signs -- let's say Mr. Damato is
10 moved to BB but starts showing signs of COVID, can you tell me
11 the procedure then?

12 **A.** Let me -- let me let you know really quick that our
13 health service administrator just came in as well. So she is
14 also on the call. Her name is Bonnie Holly. So we're both
15 here.

16 The procedure if a -- if a detainee starts showing
17 symptoms, there's a few different things that we could go off
18 of. The officer has visual eyes on the detainees on a regular
19 basis. If they notice anything, they notify medical. There's
20 a sick call procedure that the detainees can fill out and send
21 requests to medical as well as just telling the officer
22 verbally that they don't feel well, and we would address it
23 immediately. The nurses are in the unit twice a day doing
24 pill call. They would also address it if a detainee came up
25 to the pill call cart notifying them of how they were feeling,

Examination of Rebecca Smith

1 or if a nurse doing a visual assessment throughout the unit
2 noticed anything, they would address it then as well. And
3 then Ms. Holly and myself do rounds in the unit daily as well.

4 Q. And you -- you -- I think Mr. Delaney indicated that you
5 interacted with Mr. Damato this morning?

6 A. I did this afternoon.

7 Q. Oh. Okay. Are you aware of whether Mr. Damato
8 interacted with the nurse giving him his pill and requested to
9 see a doctor?

10 A. I'm not. I am aware that Mr. Damato gets evening pills,
11 so I -- I'm not aware of any interaction this morning at pill
12 call that he would have had with the nurse.

13 Q. And you're unaware that Mr. Damato requested to speak
14 with a doctor in the morning?

15 A. No, I haven't -- I haven't heard that. Nobody notified
16 me of that.

17 Q. And you would be the person that they should be
18 notifying; right?

19 A. Either that or they would go directly to the provider.

20 Q. And you have no notes about that; right?

21 A. I do not. In the computer I do not.

22 Q. What would be the time frame -- you know, if Mr. Damato
23 in the morning goes to a nurse and says, I -- I'm not feeling
24 good, and obviously he's high risk, what's the time frame that
25 you would expect that he be seen by a doctor?

Examination of Rebecca Smith

1 **A.** Well, I -- the -- the nurse should perform a quick
2 assessment right there with the detainee and determine if it
3 was urgent. They would notify the officer immediately and ask
4 that the detainee be taken to medical. If it was -- if they
5 determined it was not urgent, they would likely finish pill
6 call -- which sometimes can be an hour, hour and a half -- and
7 then they would speak with the doctor in person when they get
8 back to medical.

9 **Q.** Would a nurse make a note in a chart? Meaning if
10 Mr. Damato had, in fact, spoken with this nurse this morning
11 and indicated he wasn't feeling good, would she notate that in
12 his chart somewhere?

13 **A.** She should.

14 **Q.** Do -- do you have his chart?

15 **A.** I do.

16 *[Indiscernible background noise]*

17 **MS. SMITH:** I do, and I don't have any notes for any
18 contact this morning with Mr. Damato and the nurse.

19 **BY MS. LEVY:**

20 **Q.** Do you know which nurse it was?

21 **A.** I could find out.

22 **Q.** So if Mr. Damato goes through the appropriate channels
23 and -- and requests to see a doctor from the nurse and for
24 whatever reason that does not occur, what is the next step for
25 Mr. Damato?

Examination of Rebecca Smith

1 **A.** To notify security and security would notify medical.

2 **MR. DELANEY:** This is Chief Delaney --

3 **BY MS. LEVY:**

4 **Q.** Do you have any --

5 *(Simultaneous crosstalk.)*

6 **MS. LEVY:** Oh. Sorry.

7 **MR. DELANEY:** Any time that if a detainee presents a
8 concern and is showing symptoms or anything, we have what we
9 would call a medical emergency that the security officer can
10 call at any time which would basically shut down all movement
11 inside the institution, and we would have a minimum of a
12 five-team responder along with medical go down to assess the
13 detainee.

14 **MS. LEVY:** Thank you, Mr. Delaney.

15 **BY MS. LEVY:**

16 **Q.** When you indicate showing symptoms or signs, can you walk
17 me through what those would be besides the temperature?

18 **MR. DELANEY:** Is that in reference to my
19 [indiscernible] or Ms. Smith?

20 **MS. LEVY:** I guess either. Let me clarify the reason
21 I'm asking that question because I know the question's a
22 little bit broad.

23 I think you're aware that Mr. Damato has
24 particularized medical concerns because he's HIV positive. So
25 what particularized signs and symptoms would somebody with a

Examination of Rebecca Smith

1 weak immune system might trigger that type of lockdown
2 occurring?

3 **MR. DELANEY:** Well, Ma'am, unless the detainee
4 discloses this type of information, security would not know
5 what his medical conditions are. As a trained professional,
6 we go through classes that would indicate if obviously there
7 was cold sweats, sweating, covered up, pale [indiscernible],
8 heavy -- heavy breath or trouble breathing, you know,
9 talking --

10 *(Simultaneous crosstalk.)*

11 **THE DEFENDANT:** I would like to speak with my
12 attorney, Your Honor.

13 **MR. DELANEY:** -- [indiscernible].

14 **THE COURT:** All right.

15 **MR. DELANEY:** [Indiscernible].

16 **THE COURT:** So hold on, Mr. Delaney.

17 **THE DEFENDANT:** I need to speak with my attorney.

18 **THE COURT:** I heard you, Mr. Damato.

19 **THE DEFENDANT:** I'm sorry.

20 **THE COURT:** Mr. Damato --

21 **THE DEFENDANT:** No, because I have documentation --

22 **THE COURT:** Mr. Damato --

23 **THE DEFENDANT:** I'm sorry.

24 **THE COURT:** Every time you've requested to speak with
25 your attorney, the Court has given you an opportunity, and the

Examination of Rebecca Smith

1 Court will continue to do so. Okay? So I just need you to
2 stay calm, wait for your attorney --

3 **THE DEFENDANT:** Okay.

4 **THE COURT:** -- and we'll make sure that you have an
5 opportunity to speak with Ms. Levy.

6 Let's go ahead and mute Ms. Levy and Mr. Damato.

7 **COURTROOM ADMINISTRATOR:** Your Honor, the parties are
8 muted.

9 **THE COURT:** Okay. Let's go ahead and test it.
10 Ms. Levy? Mr. Damato, go ahead and say something. All right.
11 You're muted.

12 *(Pause in proceedings.)*

13 **THE COURT:** All right. It looks like we're ready.
14 Let's go ahead and unmute Ms. Levy and Mr. Damato.

15 All right. Ms. Levy, are you ready to proceed?

16 **MS. LEVY:** Yes. Thank you so much.

17 I -- I think we left off -- and I could be wrong.
18 I'm sorry. But I think we left off steps that would be taken
19 if Mr. Damato went through the -- the course that he's
20 required to, meaning speaking to the nurse, telling the nurse
21 that he didn't feel good, and that -- that concern is not
22 addressed in a timely fashion.

23 **MR. DELANEY:** Correct. We were -- I was explaining
24 the process of security if -- if they're showing signs where
25 we would call a medical emergency.

Examination of Rebecca Smith

1 Now, I do know talking with Ms. Smith that he did
2 talk to -- Mr. Damato did talk to Nurse Smith at around 1500
3 hours?

4 **MS. SMITH:** Correct.

5 **BY MS. LEVY:**

6 Q. I believe he spoke to a male nurse -- oh. I'm so sorry.
7 But I believe he spoke to a male nurse this morning, indicated
8 concerns, including a rash, which as you know can be pretty
9 significant in a HIV positive patient, and -- and it appears
10 that that may not have been documented or addressed.

11 **A.** I -- I do not have any documentation of that in his
12 chart. I -- I did speak with him around 1500 today, and he
13 made no mentions to myself about that.

14 Q. And today you went through with him how he was feeling
15 and took his temperature and did that kind of stuff with him?

16 **A.** No, I didn't take his temperature. I did speak with him
17 about being in G 4 and our discussion on April 5th when he
18 chose to go to G 4 versus the high-risk pod up in BB, and he
19 made no mention of not feeling well. He did request at that
20 time to be moved to the high risk since he at that time
21 started having concerns. And at that point in time I did go
22 and speak with security and request to have him moved to the
23 high-risk pod.

24 Q. Are you the person who did the original intake with
25 Mr. Damato to determine whether he'd be in the BB or the G 4

Examination of Rebecca Smith

1 unit?

2 **A.** I did not do the initial intake here at the facility, but
3 I spoke with him when he was moving from medical to the
4 general population unit and spoke with him about the option of
5 going to the high-risk unit versus the general population
6 unit.

7 **Q.** At that time when you were speaking with him, did you
8 have his -- his medical chart with you?

9 **A.** Not on me. It's on a computer, and I was speaking with
10 him at -- at his cell. But I had reviewed his chart.

11 **Q.** Were you aware of any mental health diagnosis that he
12 has?

13 **A.** He was housed in medical at that time primarily for
14 mental health.

15 **Q.** So when he declined being in the closed-in unit, at that
16 time you knew that he had medical -- he had mental health
17 diagnosis; right?

18 **A.** Yes, correct.

19 **Q.** Do you know what those are?

20 **A.** I can pull them up right now.

21 **Q.** That's all right. I just -- I didn't know if you knew
22 them off the top of your head or not.

23 **A.** Not off the top of my head. We have over 700 detainees
24 here, and I don't have all of their diagnoses memorized.

25 **Q.** Of course. It must be absolutely overwhelming. I -- I

Examination of Rebecca Smith

1 totally understand.

2 Are you aware that Mr. Damato had recently been
3 hospitalized three times for dehydration, and if so, how are
4 you treating that with Mr. Damato?

5 **A.** I do not believe he came with that previous medical
6 record. I don't believe we have that information in the
7 computer.

8 **Q.** So at this point you're unaware that he suffers from
9 constant dehydration?

10 **A.** No, I don't have that in the computer. I do have his
11 most recent labs, which would have included information as to
12 whether he was dehydrated or not.

13 **Q.** He had recently been discharged from the hospital; right?

14 **A.** Not from our facility.

15 **Q.** Okay. So you're unaware that when he came into your
16 facility, he had been one day shy of being in the hospital?

17 **A.** I would have to review the chart, but I do not believe we
18 have that information in the chart.

19 **THE COURT:** All right. Go ahead and review the chart
20 and let me know what the answer to that question is, please.

21 **MS. SMITH:** Okay.

22 No, we do not have any of that -- any of his medical
23 information prior to him coming to the facility.

24 **THE COURT:** So he came into your facility twice. He
25 came into your facility first on 3/27 and April 1st was the

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1 second time. Do you have any records of his hospitalization
2 prior to April 1st?

3 **MS. SMITH:** No, we do not.

4 **THE COURT:** All right. This is what we're going to
5 do. It's 5:08. This is going to go long. So I'm going to
6 ask everybody to reconvene tomorrow, and I'll give you a
7 time -- a day -- a time for that.

8 Mr. Delaney, I'm going to ask you to be very familiar
9 with the entire process for which that Mr. Damato underwent
10 starting on 3/27 when he goes in. The question is: Was he
11 transferred from the Henderson facility? What protocols were
12 in place at that time? And anything that has to do with
13 Mr. Damato's medical conditions starting on 3/27 -- or, excuse
14 me, ending on 3/27. So from the day that he was arrested
15 until 3/27, and then I want to know the entire history of
16 where Mr. Damato has been in since he was, it appears at one
17 point, in medical, then in G 4, and then the BB cell. So
18 the -- the testimony is a little bit all over the place, and I
19 just want to make sure that I understand what protocols were
20 in place at each of these different units, at what time, and
21 how have things changed since.

22 Mr. Carpenter, I see you standing.

23 **MARSHAL CARPENTER:** Yes, Your Honor. As far as
24 Mr. Damato being in Henderson, the facility would not be aware
25 of that. As far as they're concerned, he comes from the

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1 street. What happens is the arresting officer books a person
2 in, takes them to Henderson overnight. They'll bring them --
3 they'll book him out and bring him to our cellblock
4 [indiscernible] initials but we do our thing now and send them
5 to Pahrump.

6 So as far as the facility's concerned, he's coming
7 off the street.

8 **THE COURT:** Got it.

9 So I guess the question then I'm going to need to
10 know the answers to is once he is coming off the street during
11 the initial time that he was arrested, what were the protocols
12 in place? Where did he go? And, again, when he came in from
13 the streets the second time, what were the protocols in place
14 at that time?

15 As to Ms. Smith, I'm going to need you to tell me or
16 be ready to tell me what medications he has been on and for
17 how long he has been on those medications both for the first
18 period of time that he was detained as well as the second
19 period of time that he was detained.

20 **MS. SMITH:** Okay.

21 **THE COURT:** And I know that there was another
22 individual, Bonnie Holly, who joined the line.

23 What is the difference in positions between you and
24 Ms. Holly?

25 **MS. HOLLY:** [Indiscernible] over the whole medical

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1 department [indiscernible].

2 **MR. DELANEY:** Ms. Holly is our health service
3 administrator.

4 **THE COURT:** All right. So, so long as, you know,
5 maybe you want to make sure that Ms. Holly's available as well
6 in the event that she may have some information that is
7 necessary for tomorrow's hearing.

8 Mr. Miller, what time is this courtroom available
9 tomorrow?

10 **COURTROOM ADMINISTRATOR:** 2:00 p.m. Your Honor.

11 **THE COURT:** There's nothing earlier?

12 **COURTROOM ADMINISTRATOR:** No, Your Honor. We share
13 the videoconference room with our district judges who have --
14 tomorrow morning is for the district judges. Tomorrow
15 afternoon is for the magistrate judges. And there are
16 hearings already booked for tomorrow morning.

17 **THE COURT:** All right. So we will reconvene tomorrow
18 at 2:00 p.m.

19 Are you available, Mr. Dickinson?

20 **MR. DICKINSON:** Yes, Your Honor.

21 **THE COURT:** Ms. Levy, are you available?

22 **MS. LEVY:** Yes, Your Honor.

23 **THE COURT:** As to Mr. Damato's placement today, is it
24 my understanding that he's going to be in a single cell?

25 **MR. DELANEY:** Can you repeat the question?

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1 **THE COURT:** Is Mr. Damato going to be in the
2 high-risk/BB unit?

3 **MR. DELANEY:** Yes, he is.

4 **THE COURT:** And is he going to be alone in a cell?

5 **MR. DELANEY:** Yes, he is. And I just reviewed the
6 pill call from this morning, and he never actually went up to
7 the nurse at pill call this morning.

8 **THE COURT:** All right. Does anybody have anything
9 further?

10 **MS. LEVY:** No. Thank you, Your Honor.

11 **THE COURT:** All right. Very well. I will see all of
12 you at 2:00 tomorrow.

13 **MS. LEVY:** Thank you, Your Honor.

14 **COURTROOM ADMINISTRATOR:** All rise.

15 *(Proceedings adjourned at 5:05 p.m.)*

16 * * *

17 I, AMBER M. McCLANE, court-appointed transcriber, certify
18 that the foregoing is a correct transcript transcribed from
19 the official electronic sound recording of the proceedings in
20 the above-entitled matter.

21
22 /s/ *Amber M. McClane* 4/27/2020
23 AMBER MCCLANE, RPR, CRR, CCR #914 Date
24
25